

REMARKS

Claims 1, 5, 12, 14 and 15 have been amended and claims 4 and 9 have been cancelled. New claims 20 and 21 have been added.

Information Disclosure Statement

The Examiner states that the Information Disclosure Statement filed on 3-21-05 fails to comply with 37 CFR 1.98(a)(3). Applicants respectfully disagree. According to the MPEP at 609.04(a) III, "Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report." The previously filed Information Disclosure Statement noted that "Each of these references was cited in a European Patent Office Search Report in a counterpart European application" and explained the relevance noted in the search report for each reference. A copy of the search report from the European Patent Office has been included to alleviate any confusion. Applicants respectfully request that the Examiner consider the references.

Rejections Under 35 U.S.C. § 102(b), 102(a or e)

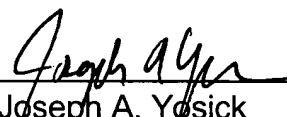
Claims 1, 6-8, and 12 stand rejected as anticipated by Shaw, Schulz, and Guigonis. Claim 1 has been amended to incorporate the limitations of claims 4 and 9. Amended claim 1 now requires a colloidal silica binder and that the refractory composition comprises about 65 to about 80 wt % alumina, about 7 to about 15 wt % zirconia, and about 10 to about 20 wt % silica. Similarly, claim 12 has been amended to incorporate the limitation that the binder is a colloidal silica binder. The Examiner had indicated than claims 2-5, 9-11, and 13-19 include allowable subject matter. Therefore, it is believed that the application is now in condition for allowance.

Additionally, claims 20 and 21 have been added. New claim 20 incorporates the limitations of original claims 12 and 13. New claim 21 incorporates the limitations of original claims 12 and 16-18. The Examiner had indicated that claims 13 and 16-18 would be allowable if rewritten in independent form. Therefore, it is believes that new claims 20 and 21 are allowable.

SUMMARY

Applicant believe the present application is now in condition for allowance. If the Examiner has any remaining issues, he is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,



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